

ORDINANCE NO. 1890

AN ORDINANCE ESTABLISHING FEES TO BE CHARGED TO PERSONS FOR ACCESSING AND/OR COPYING OPEN PUBLIC RECORDS AND REPEALING ORDINANCE NO. 1557 IN ITS ENTIRETY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: Statement of Purpose, Review. It is the purpose of this Ordinance to establish reasonable fees and charges for the provision of access to or copies of open public records in the possession of the City to avoid the necessity of using general public funds of the City to subsidize special services and benefits to a record requester. The official record custodian shall periodically recommend to the Governing Body such changes in this Ordinance as may be necessary to secure this purpose. The official record custodian may exercise his or her discretion to reduce or waive any fees when such is in the public interest. No charge shall be assessed against officers or employees of the City who make requests which are reasonably necessary to the performance of their official duties.

SECTION TWO: Inspection Fee.

- a) Where a request has been made for inspection of any open public record which is readily available to the record custodian, there shall be no inspection fee charge to the requester.
- b) In all cases not covered by subsection (a) above, a record inspection fee shall be charged at an hourly rate determined by the actual per hour rate of the employee(s) engaged in the record search plus 20% to cover benefits. A minimum charge of \$10.00 shall be charged for each request.
- c) No inspection fee will be assessed when a denial of a request is made.

SECTION THREE: Copying Fee.

- a) A fee of \$1.00 per page for the first page (one side) and \$.50 for every page thereafter (each side) shall be charged for photocopying public records, such fee to cover the cost of labor, materials, and equipment.
- b) For copying any public records which cannot be reproduced by the City's photocopying equipment, the requester shall be charged the actual cost to the City, including staff time, for reproducing such records.
- c) No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge. No copying fee will be assessed when a denial of a request is made.

SECTION FOUR: Mailing Fee. The record custodian shall determine and assess a charge covering mailing and handling costs accrued in responding to requests received and processed through the mail service. A minimum handling fee of \$1.00 shall be charged in addition to the actual mailing costs for each request.

SECTION FIVE: Other Records Fee.

- a) Copies of City publications, regulations, or maps, etc., and police and fire department reports shall be made available at reasonable fees, such fees to cover the cost of labor, materials, and equipment or the actual printing costs to the City for reproducing such records.
- b) A fee of \$1.00 per page for the first page and \$.50 for every page thereafter, shall be charged for computer generated printouts of public records, such fee to cover the cost of labor, materials, and equipment.
- c) A fee of \$1.00 per page for the first page and \$.50 for every page thereafter, shall be charged for facsimile transmission of public records, such fee to cover the cost of labor, materials, and equipment.

SECTION SIX: Prepayment of Fees.

- a) A record custodian may demand prepayment of the fees established by this Ordinance whenever he or she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.
- b) Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed \$25.00.
- c) Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

SECTION SEVEN: Payment. All fees charged under this Ordinance shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account, for purposes of billing and payment, with the City. All fees received shall be paid to the Administrative Services Director / City Clerk. All fees shall be placed in the City's General Fund.

SECTION EIGHT: Effective Date. This Ordinance shall take effect upon its publication as required by law.

PASSED and APPROVED by the Governing Body of the City of Gardner, Kansas, on this 16th day June, 1997.

Mayor

ATTEST:

City Clerk
(SEAL)